

NOT FOR PUBLICATION

NO. 25586

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee, v.
JOEY MANEFAIGA, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(CR. NOS. 97-2049 AND 97-2143)

SUMMARY DISPOSITION ORDER

(By: Watanabe, Acting C.J., Lim and Foley, JJ.)

Defendant-Appellant Joey Maneafaiga (Maneafaiga) appeals the "Order Summarily Denying Without a Hearing Motion for Reconsideration of Sent[ence]" in Cr. No. 97-2049, filed on December 12, 2002, and the "Order Summarily Denying Without a Hearing Motion for Reconsideration of Sent[ence]" in Cr. No. 97-2143, filed on December 12, 2002, in the Circuit Court of the First Circuit (circuit court).¹

On appeal, Maneafaiga contends the circuit court erred or plainly erred by denying his motions without holding a hearing. Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we conclude the circuit court did not abuse its discretion by

¹ The Honorable Wendell K. Huddy presided at sentencing. The two orders denying the motions for reconsideration were signed by the Honorable Michael D. Wilson.

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denying Maneafaiga's two motions for reconsideration of sentence without holding a hearing because Maneafaiga did not present any argument or evidence to support reconsideration of his sentence. Barnett v. State, 91 Hawai'i 20, 26, 979 P.2d 1046, 1052 (1999).

Therefore,

IT IS HEREBY ORDERED that the "Order Summarily Denying Without a Hearing Motion for Reconsideration of Sent[ence]" in Cr. No. 97-2049, filed on December 12, 2002, and the "Order Summarily Denying Without a Hearing Motion for Reconsideration of Sent[ence]" in Cr. No. 97-2143, filed on December 12, 2002, in the Circuit Court of the First Circuit are affirmed.

DATED: Honolulu, Hawai'i, June 25, 2004.

On the briefs:

Joey Maneafaiga,
defendant-appellant pro se.

Acting Chief Judge

Daniel H. Shimizu,
Deputy Prosecuting Attorney,
City and County of Honolulu,
for plaintiff-appellee.

Associate Judge

Associate Judge